

# NEBRASKA ADMINISTRATIVE CODE

**ISSUE DATE: June 26, 2007**

## **TITLE 51 - BOARD OF BARBER EXAMINERS**

### **CHAPTER 1 – DEFINITIONS**

**ADEQUATE** refers to both quantity, quality and equivalent to sufficient.

**ACCEPTABLE** shall mean fulfilling the needs and requirements.

**APPROVED** shall mean accepted by the Board.

**ASSISTANT INSTRUCTOR** shall mean a teacher of the practice of barbering licensed as an assistant instructor, under the supervision of a registered barber instructor, as required by the Barber Act.

**BARBER** shall mean any person duly licensed as required by the Barber Act, who engages in the practice of any or all acts of barbering.

**BARBER SHOP** shall mean an establishment or place of business properly licensed as required by the Barber Act, where one or more persons properly licensed is engaged in the practice of barbering.

**BARBER SCHOOL OR COLLEGE** shall mean an establishment properly licensed and operated for the teaching and training of all practices of barbering to students.

**BOARD** shall mean the Board of Barber Examiners.

**CHANGE OF LOCATION** shall mean relocation into new surroundings not currently registered with the Board office as a barber shop or school.

**CLEAN** shall mean the absence of soil or dirt or the removal of soil or dirt by washing, sweeping, clearing away or any other method.

**COMMON AREA** shall mean an area of a shop premises which all barbers performing services in the shop use, including but not limited to: reception area, dispensing area, sinks, shampoo bowls, hair dryers and employee lounges.

**DISINFECT** shall mean to use a process to destroy harmful bacteria.

**EFFECTIVE DATE** shall mean the date a rule or disciplinary decision goes into effect.

**ENCLOSURE** shall mean a cabinet, drawer or container.

**INCOMPETENCE** shall mean lack of knowledge or skills in discharging professional obligations.

**INSTRUCTOR** shall mean a teacher of the practice of barbering as provided in the Barber Act.

**LICENSE** shall mean a certificate of registration issued by the Board.

**MANAGER** shall mean a registered barber who oversees, directs or is in charge of the activities or the flow of business in a barber shop.

**NEW BARBER SHOP** shall mean an application has been made to the Board office requesting an inspection and approval of the premises for licensing.

**PRACTICAL WORK AREA** shall mean the act of performing barbering services.

**PREMISES** shall mean the entire area of the shop or school which the Board has licensed and designated as a shop or school.

**PROPERLY** shall mean requisite standard of competence and validity.

**REGISTERED BARBER** shall mean a person who has completed the requirements to receive a certificate as a barber and to whom a certificate has been issued.

**RESTORATION FEE** shall mean the annual fee assessment for an inactive license or registration.

**REVOKED** shall mean the license is cancelled, voided, annulled, rescinded. The right to practice barbering is ended.

**RULES AND REGULATIONS** shall mean any rules authorized to be made by the Board which have been promulgated and filed, as provided in Chapter 84, Article 9, of the Nebraska Revised Statutes.

**SANITARY** shall mean free from agents of infection, disease or infection by insects and vermin and free of soil, dust or foreign materials.

**SANITIZED** shall mean rendered free of soil, dust, foreign materials and agents of disease or infection by insects or vermin through the use of effective cleaning and disinfecting processes.

**SANITIZER** shall mean a container holding a sanitizing agent which is large and deep enough to submerge tools or implements, or portions thereof, which are to be disinfected.

**SECRETARY TO THE BOARD** shall mean the Director appointed by the Board who shall keep a record of the proceedings of the Board.

**SOILED** shall mean an article which has been used and has not been cleaned or sanitized.

**STATION** shall include, but not be limited to: barber chair, back bar with cabinet storage, linen enclosure, mirror and container for the disposal of soiled towels.

**STUDENT** shall mean a person attending an approved, licensed barber school and duly registered with the Board as a student engaged in the learning and acquiring of any and all of the practices of barbering and, while learning, performs and assists in any and all of the practices of barbering in a school registered and approved by the Board.

**SUSPENSION** shall mean the licensee is prohibited from practicing for a specific period of time.

**THEORY** shall mean the written knowledge applicable to approved principles of barber science and practices, including demonstrations and lecturing.

**TRANSFER OR CHANGE OF OWNERSHIP** shall mean the conveyance of title or property from one person to another.

**VERIFICATION OF INCORPORATION** shall consist of articles of incorporation or good standing certificate or annual tax report.

## **NEBRASKA ADMINISTRATIVE CODE**

**ISSUE DATE: MARCH 29, 1994**

### **TITLE 51 - BOARD OF BARBER EXAMINERS**

#### **CHAPTER 2 - LICENSES OF INDIVIDUALS**

**001 LICENSE FORM:** Every license issued shall be in the form of a certificate which shall have thereon:

- 001.01** The name of the applicant.
- 001.02** The class of license.
- 001.03** The date on which issued.
- 001.04** The official name of the Board together with its seal.
- 001.05** The signatures of the members of the Board and the Director.

**002 CHANGE OF ADDRESS AND/OR NAME:** Any certificate holder who changes his or her name and/or address must notify the Board office within thirty (30) days of the change.

**003 LATE FEE - BARBER, INSTRUCTOR, ASSISTANT INSTRUCTOR, BARBER SHOP, BARBER SCHOOL:** A licensee eligible for renewal of an expired license, pursuant to the Barber Act, may renew such license by payment of the renewal fee and a late fee on or before the 60th day after its expiration date.

**004 INACTIVE FEE - BARBER, INSTRUCTOR:** A licensee eligible for restoration of an inactive license, pursuant to the Barber Act, may restore such license by payment of the renewal fee and a restoration fee.

## **NEBRASKA ADMINISTRATIVE CODE**

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### **TITLE 51 - BOARD OF BARBER EXAMINERS**

#### **CHAPTER 3 - LICENSING OF NEW BARBER SHOPS OR CHANGE OF LOCATION**

**001** Before any person or persons may open a new barber shop or change the location of an existing barber shop, an application shall be made requesting an inspection and approval of the premises at least fifteen days in advance of the opening of that shop.

#### **002 CONTENTS OF APPLICATION**

- 002.01** Barber shop name.
- 002.02** Barber shop address.
- 002.03** Barber shop owner.
- 002.04** Owner's notarized signature and Social Security number.
- 002.05** Verification of incorporation if applicable.
- 002.06** Room size.
- 002.07** Type of floor.
- 002.08** Type of wall.
- 002.09** Type of ceiling.
- 002.10** Type of lighting.
- 002.11** Methods of ventilation.
- 002.12** Toilet facilities.
- 002.13** Other rooms and usages, if applicable.
- 002.14** Water supplies.

- 002.15** Waste disposal.
- 002.16** Hot water capacity/recovery rate.
- 002.17** Number of barber chairs.
- 002.18** Number of shampoo bowls.
- 002.19** Number and description of immersion sterilizers.
- 002.20** Trade names of germicidal solutions.
- 002.21** Proposed opening date.
- 002.22** Any other information the Board deems necessary.

### **003 LIMITATION ON LOCATION AND USE OF ROOMS USED AS A BARBER SHOP.**

- 003.01** A barber shop in a place where food is prepared and served must be separated by a partition, ceiling height, of lath and plaster, glass or other solid material. If a door is cut through, it shall be hung with spring hinges or other self-closing appliances. If confectionery is sold in a barber shop, it must be in sealed packages.
- 003.02** No room or rooms licensed as a barber shop shall be used as a sleeping room.
- 003.03** A barber shop shall be a fixed, permanent structure or a part of one.
- 003.04** Barber shop/cosmetology salons that occupy the same location, the barber practical work area shall be visually distinct from the other and shall be clearly identified as such to the public by a sign.
- 003.05** A barber shop located in any private dwelling shall permit patrons to enter the shop directly from a public thoroughfare without passing through any other portion of the building. The barber shop area shall be separated from the living area by walls extending from floor to ceiling, except that there may be one connecting door to the private dwelling which shall be kept closed/locked while the shop is in actual operation, and shall not be for use by the general public. Such door into the private dwelling shall only be permitted where a toilet facility exists in that portion of the private dwelling licensed as a barber shop. Both the residence and the barber shop may be serviced by the same electric, gas, water and sewer facilities.
- 003.06** An application for a barber shop in a private dwelling in any village or city must be accompanied by a document from that government body stating that the new owner has complied with all laws, regulations and codes for that particular location.

### **004 FIXTURES REQUIRED (MINIMUM)**

- 004.01** Barber pole or barber sign.
- 004.02** Barber chair.
- 004.03** Back bar.
- 004.04** One shampoo bowl for every five stations.
- 004.05** Mirror.
- 004.06** Enclosure for clean towels and implements.
- 004.07** Containers for disposal of soiled towels and other waste materials.
- 004.08** Hot water system.
- 004.09** Toilet facilities.
- 004.10** Immersion sterilizer.
- 004.11** Approved germicidal solution.

### **005 PROPER QUARTERS**

- 005.01** All fixtures and equipment, including those in the waiting area, shall be kept in a clean, orderly and sanitary condition.
- 005.02** Sanitized tools and implements shall be stored separately from all others.
- 005.03** Storage drawers for sanitized tools and implements shall be clean, free of hair and used only for the sanitized tools and implements.
- 005.04** All soiled tools and implements shall be deposited in a separate receptacle. Nail care and waxing implements that come into direct contact with a client and are not capable of being sanitized in accordance with Rule 8 shall be disposed of in a waste receptacle immediately after use. i.e., emery

boards, spatulas, wax and waxing strips.

**005.05** Shampoo bowls located in common areas shall have access without obstruction.

**005.06** Each barber chair must be in good condition, mechanically sound and with acceptable covering of a material capable of being sanitized and free of tears. Barber chairs shall be placed at least four and one-half feet apart, center to center, and each chair must occupy not less than thirty-five square feet of floor space.

**005.07** A barber shop shall have toilet facilities which shall be located on shop premises, except for a barber shop located in a commercial building in which public toilet facilities are available and reasonably accessible directly from the public thoroughfare. All toilet facilities located on the shop premises shall be kept clean, sanitary and in working order at all times. Toilet facilities shall not be required in barber shops holding a valid barber shop license March 25, 1989.

**005.08** Floor surfaces in the work area of a shop shall be of washable, non-absorbent material and shall be kept clean and in good condition. Plastic floor mats or runners are required in shops with carpeted floor covering in the work area, holding a valid barber shop license prior to the effective date of this rule. Wooden floors may be acceptable if they have a water-proof finish.

**005.09** Tanning areas, including tanning devices and equipment located on the licensed premises, shall be maintained in a clean and sanitary condition and operated in accordance with the manufacturer's instructions. Owners' request the manufacturer include in the purchasing agreement that their equipment, materials and advertising are in compliance with FDA laws and regulations. Tanning equipment shall be sanitized after each use, a sanitary towel provided to each client, a receptacle available for the disposal of all soiled towels and the client furnished with protective eye wear.

## **006 INSPECTION**

**006.01** An inspection of the new barber shop shall be conducted to determine compliance with sanitary requirements. The inspector shall file a report of his inspection. No barber shop license shall be issued until the shop has been inspected and deemed satisfactory.

## **007 CLOSING A SHOP**

**007.01** Shop owners closing their shop shall inform the Board office within thirty (30) days of closure. If the same owner re-opens the shop while the license is still current, the Board office must be notified prior to the opening.

# **NEBRASKA ADMINISTRATIVE CODE**

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## **TITLE 51 - BOARD OF BARBER EXAMINERS**

### **CHAPTER 4 - CHANGE OF OWNERSHIP, BARBER SHOP**

#### **001 APPLICATION REQUIRED**

**001.01** Each license issued shall be in effect solely for the owner or owners named therein. Application for a transfer or change of ownership of a barber shop license shall be filed with the Board within thirty (30) days of completion of the business transaction.

**001.02** A fee shall be collected in the amount set by the Board, but no fee shall be collected if the ownership results merely from a current license holder incorporating his or her business. Verification of incorporation shall be submitted with the application if applicable.

#### **002 CONTENTS OF APPLICATION**

**002.01** Name of applicant, i.e. the new owner or assignee.

**002.02** Name of current owner.

**002.03** Registration number and name of new managing barber if different than 002.01.

- 002.04** Name and number of shop as licensed.
- 002.05** New name of shop.
- 002.06** Notarized signature and Social Security number of new owner.
- 002.07** Notarized signature of current owner releasing the shop license number for transfer, or other legal documents verifying the transfer.
- 002.08** Any other information the Board deems necessary.

### **003 COMPLIANCE**

- 003.01** A barber shop must be under the supervision and management of a registered barber.
- 003.02** If a shop changes its designated barber manager, it must notify the Board office within thirty days, giving the name and certificate number of the new designated barber manager.
- 003.03** If a shop changes its name, the licensee must notify the Board office within thirty (30) days.

## **NEBRASKA ADMINISTRATIVE CODE**

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### **TITLE 51 - BOARD OF BARBER EXAMINERS**

#### **CHAPTER 5 - BARBER SCHOOLS**

**001 CONTENTS OF APPLICATION:** An application for a new or change of location of a barber school must be filed, and shall include:

- 001.01** Name of prospective owner of the school.
- 001.02** Name of prospective manager of the school.
- 001.03** Physical location and postal address of the school.
- 001.04** Description of proposed facilities of the school.
- 001.05** Names of prospective instructors and assistant instructors.
- 001.06** Expected number of enrolled students on the opening date.
- 001.07** Signature and Social Security number of school owner.
- 001.08** Any other information the Board deems necessary.

**002 BONDS:** The Board shall furnish forms for filing barber school bonds, which shall include:

- 002.01** Name of principals (person, firm or corporation).
- 002.02** Address of principal.
- 002.03** Bonding agency.
- 002.04** Condition of obligation.
- 002.05** Witness.

**003 NEW - CHANGE OF OWNERSHIP - CHANGE OF LOCATION:** The Board shall furnish forms which shall include the same information as set out in Chapter 5, 001 and 002, and shall be filed thirty days in advance of the proposed opening date of operation. A fee shall be collected in the amount set by the Board, but no fee shall be collected if the ownership results merely from a current license holder incorporating his or her business. Verification of incorporation shall be submitted with the application if applicable.

## **NEBRASKA ADMINISTRATIVE CODE**

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### **TITLE 51 - BOARD OF BARBER EXAMINERS**

## **CHAPTER 6 - INSPECTION PROCEDURES**

**001** All inspectors shall identify themselves to the personnel of the establishment to be inspected and shall be entitled to inspect the premises after such identification with no advance notice. Shop owners with irregular hours must contact the Board office and negotiate for inspection if, after one year, the Board has been unable to perform an inspection because the shop was closed.

### **002 ITEMS COVERED BY INSPECTION**

**002.01** The inspector shall examine the premises to ascertain whether there is compliance with the sanitation rules. Such sanitary requirements and inspections shall include all activities, in addition to barbering as defined in section 71-202, taking place on the licensed premises.

**002.02** The inspector shall ascertain that all licenses, permits and necessary sanitation rules are posted conspicuously in full view of the general public. For good cause, a barber may request that the portion of his or her license that lists his or her address be omitted. The posting of a reproduction of any certificate or license is prohibited unless the Board has issued the reproduction/duplicate.

### **003 REPORTS**

**003.01** The inspector shall file a report in writing, on a form to be provided by the Board, setting out the results of the inspection and noting any comments he or she has, or violations which were issued.

## **NEBRASKA ADMINISTRATIVE CODE**

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### **TITLE 51 - BOARD OF BARBER EXAMINERS**

#### **CHAPTER 7 – INFECTION CONTROL GUIDELINES**

##### **001 INFECTION CONTROL GUIDELINES FOR BARBERS, STUDENTS OF BARBERING, UNIVERSAL PRECAUTIONS AND PROCEDURES**

**001.01** The majority of persons who are infected with HIV & HBV have no symptoms. For this reason, it is important that barbers and students of barbering consider every client as potentially infectious and exercise appropriate precautions.

**001.02** Wash hands with soap and water prior to serving each client.

**001.03** Have at least two sets of tools to ensure that all instruments can be disinfected correctly after each use.

**001.04** Immediately disinfect any instrument which causes skin abrasion or a cut to the skin. If bleeding occurs, wear gloves to avoid direct skin contact with blood. Use facial tissue, paper towels or cotton to absorb the blood. Dispose of blood contaminated materials immediately in a double plastic bag and seal it. Wash hands immediately. Thoroughly clean implements, wearing gloves, before placing in disinfectant solution.

**001.05** If disinfectant solution becomes contaminated with blood, change immediately.

**001.06** Disinfectant solutions shall be prepared and used in accordance with the manufacturer's instructions.

**001.07** Disposable gloves should be worn when handling possible contaminated implements or other materials.

**001.08** Surfaces contaminated with blood shall be cleaned with a solution known to inactivate the viruses.

**001.09** Soiled linen, towels, uniforms, etc., should be tagged and washed in hot water with an agent known to inactivate HIV-HBV. When possible, disposable towels should be used and proper disposal procedures employed for soiled materials.

**001.10** Sodium hypochlorite (household bleach) mixed with water (one part bleach and 9 parts water) may be used to clean any blood spills. These solutions should be prepared fresh daily. Agents labeled as

hospital disinfectants are also acceptable cleaning agents. Common agents that destroy HIV & HBV include, but are not limited to: Lysol, hydrogen peroxide, betadine, glutaraldehyde, isopropyl alcohol.

**001.11** It is not recommended to use a sodium hypochlorite (household bleach) solution if the spill is on carpet or rugs. Use a disinfectant agent according to the manufacturer's directions.

**001.12** Barbers and barber students who have open wounds or otherwise non-intact skin should cover them with a dressing that will prevent contamination from other sources or wear disposable latex gloves while performing any service. If the effectiveness of a bandage type dressing is affected by moisture, it should be replaced if it becomes wet.

## **NEBRASKA ADMINISTRATIVE CODE**

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### **TITLE 51 - BOARD OF BARBER EXAMINERS**

#### **CHAPTER 8 - SCHOOL BONDS AND EXCEPTION**

**001** A surety bond in the sum of \$25,000 shall be maintained by each privately owned barber school for the first fifty students enrolled in the barber school.

**002** The surety bond shall be increased by an additional \$25,000 anytime the enrollment of the barber school exceeds fifty students.

**003** Each barber school shall at all times keep and maintain in full force and effect a surety bond with a reputable bonding company licensed to do business in the State of Nebraska for the benefit of all of its students, sufficient in amount to insure to such students a refund of any portion of their tuition paid but not used, in the event that the school discontinues operations for any reason prior to the time that the student has completed his or her education at the school. A surety bond shall not be required for any barber school that is operated by a nonprofit organization which neither charges any tuition to its students nor make any charge to persons upon whom such work is performed or a barber school which participates in the assessment program established under sections 85-1654 to 85-1658 relating to the Tuition Recovery Cash Fund.

## **NEBRASKA ADMINISTRATIVE CODE**

**ISSUE DATE: June 26, 2007**

### **TITLE 51 - BOARD OF BARBER EXAMINERS**

#### **CHAPTER 9 - EXAMINATIONS**

**001 APPLICATION REQUIRED FOR EXAMINATION:** Any person desiring to take the examination for a license to practice barbering shall make application to the Board at least fifteen (15) days before the examination, on a form provided by the Board, and sworn to by the applicant. Such application shall be accompanied by the examination fee, license issuance fee and such documents and affidavits as are necessary to show the eligibility of the candidate to take such examination.

**002 NOTICE OF EXAMINATION:** The Board shall affix the dates of barber examinations to be given for a year in advance, and such list shall be obtainable at the Board office.

**003 BOARD TO FIX TIME FOR EXAMINATION:** The regular sessions for the purpose of giving examinations shall be held at such times and places as the Board may fix, such examinations shall be held not less



than four (4) times per year, and any other times the Board deems necessary.

**004 FORM OF APPLICATION:** Application forms for examination to become registered as a barber, barber instructor or for registration as an assistant instructor shall show the following information where applicable:

**004.01** Name.

**004.02** Residence address.

**004.03** Birth date.

**004.04** Social Security number.

**004.05** Photocopy of high school diploma or certification from high school, or certification of educational equivalency (GED).

**004.06** Photocopy of barber school diploma.

**004.07** Certification of student hour credit.

**004.08** Certification of licensure in other state or country.

**004.09** Certification of licensure as a Nebraska cosmetologist.

**004.10** Two signed original portrait type photographs of the applicant of sufficient clarity and of at least passport size, but not to exceed three by five inches.

**004.11** Number of years as a licensed barber.

**004.12** Certification of college or university record.

**004.13** Any other information the Board deems necessary.

**005 LIST OF ELIGIBLE APPLICANTS TO BE COMPILED PRIOR TO EACH EXAMINATION:** The Board shall prepare a list of applicants who are eligible to take the examination and determine such eligibility by review of credentials.

**005.01** An examination authorization/instructional form will be mailed to the address submitted on the application form notifying the applicant of the location, date and time to appear for the examination.

**005.02** The applicant shall present to the examiner, the examination authorization/instructional form and an original photograph, or other photo identification, with his or her signature.

**006 WRITTEN EXAMINATIONS:** The following is a list of content areas to be covered, but not exclusively to:

**006.01** Scientific Concepts.

006.01A Sanitation, safety precautions and first aid.

006.01B Hair, skin, scalp and nails.

006.01C Conditions and disorders.

**006.02** Physical Services.

006.02A Shampoo and rinse.

006.02B Scalp and hair care.

006.02C Facials.

006.02D Client protection.

**006.03** Chemical Services.

006.03A Hair coloring and lightening.

006.03B Chemical waving.

006.03C Chemical hair relaxing.

006.03D Safety precautions/measures.

**006.04** Hair Designing.

006.04A Hair shaping.

006.04B Thermal techniques and braiding.

006.04C Shaving and styling beards and mustaches.

**006.05** Laws relating to the Barber Act.

**007 PRACTICAL EXAMINATION**

**007.01** The practical examination shall be conducted by at least two (2) of the Board members or their

duly appointed agent, the Director. The Board shall inspect all models and shall have the right to reject any model not acceptable in fulfilling the needs and requirements of the examinees.

**007.02** The practical examination shall consist of any number of the following procedures:

**007.02A** Tapered haircut.

**007.02B** Long style haircut.

**007.02C** Shave.

**007.02D** Shampoo.

**007.02E** Massage, face and head.

**007.02F** Perm rod rolling.

**007.02G** Hair coloring.

**007.02H** Hair bleaching.

**007.02I** Hair relaxing.

**007.02J** Sanitation procedures.

**007.02K** Personal appearance and cleanliness.

**007.02L** Any practices as described in 71-202.

**008 STANDARDS FOR PASSING:** When an applicant is graded less than 75% in either the written or practical examination, he or she shall be considered to have failed the examination and must meet the statutory requirements for re-examination.

**009 FAILURE OF APPLICANT FROM FOREIGN COUNTRY OR ANOTHER STATE:** Registered barbers from another state or country who fail to pass the examination shall be called for the next examination for registered barbers as specified by Section 71-212, RRS Neb. 2003.

**010 NONDISCLOSURE OF IDENTITY OF EXAMINEE:** In all examinations in theory of barber practices, the identity of persons taking the same shall not be disclosed on the examination paper in such way as to enable the Board to know by whom it was written. In practical examinations, the identity of the candidate shall also be concealed as far as possible and the Board shall in every way endeavor to carry out the intent of these rules.

**011 BOARD TO BE PRESENT AT EXAMINATION:** The Board shall be represented at all examinations by members of the Board or its appointed agent, the Director. Such representatives shall look after the details connected therewith.

**012 CERTIFICATION OF GRADES AND SETTLEMENT OF DISPUTES:** In cases of dispute in grading, the majority of the members of the Board shall decide. After each examination, the Board shall certify the grades of the applicants to the Board Secretary. The Board Secretary shall make the required entry in the registry record.

**013 FILING AND INSPECTION OF EXAMINATION PAPERS:** All written papers connected with any examination for a license shall be filed with the Board and preserved for two years as a part of its records, during which time a copy of such papers of any applicant who has failed the written portion shall be open for review by the applicant or an appropriate representative, providing not less than the Director or one member of the Board is present at the review of examination papers. No materials made available for review may be copied in any manner by the applicant or his or her representative.

**014 NOTIFICATION:** All applicants who have taken an examination shall be notified of the results of such examination as soon as possible.

**015 FAILURE OF EXAMINATION, PETITIONS FOR RECONSIDERATION:** Any applicant who is notified that he or she has failed the examination may, within fifteen days of the notification, petition the Board for a hearing on reconsideration. The Board may, at its discretion, grant such hearing and reconsider the applicant's grades.

# NEBRASKA ADMINISTRATIVE CODE

**ISSUE DATE: MARCH 29, 1994**

## **TITLE 51 - BOARD OF BARBER EXAMINERS**

### **CHAPTER 10 - HEARINGS**

#### **001 HEARINGS REQUIRED**

**001.01** A hearing, when requested by an applicant, an interested party or the Board, shall be held by the Board in all cases when:

**001.01A** An application for an individual license has been denied for reasons other than failure of the examination.

**001.01B** An application for a barber shop or barber school has been denied.

**001.01C** An individual is charged with a violation by an inspector.

**001.01D** The Board, in any other case, is considering the suspension or revocation of a license issued under the Barber Act.

**002 INFORMAL DISPOSITION:** A hearing must be held in every contested case unless disposed of by settlement, stipulation, consent order or default.

#### **003 NOTICE**

**003.01** The Board shall fix a reasonable time for the hearing and shall notify all parties interested by sending a notice to each party at least twenty (20) days in advance of the hearing.

**003.02** Such notice shall be sent to the last registered or known address of the party by certified mail, with return receipt requested.

**003.03** Such notice shall state the time, date and issues involved.

**003.04** The Board shall give further notice by publication.

**003.05** All notices given shall comply with the requirements of Sections 71-218 Laws 1978, 71-234 Laws 1945 and 84-913 Laws 1969.

#### **004 VERIFICATION OF COMPLAINTS**

**004.01** Complaints against persons licensed to barber or operate barber shops or schools shall be filed in writing with the Board, shall be verified and signed by the person making the complaint.

#### **005 ATTORNEY GENERAL TO REPRESENT THE BOARD**

**005.01** In all actions involving the suspension or revocation of a license, the Board may request the Attorney General to file the petition against the licensee or applicant or, at the discretion of the Board, a petition may be filed by the Director.

#### **006 FORM FOR PETITION**

**006.01** The following rules shall govern the form of the petition in such cases:

**006.01A** The State shall be named as plaintiff and the licensee as respondent.

**006.01B** The charges against the licensee shall be stated with reasonable definiteness.

**006.01C** Amendments may be made as in ordinary actions in the district court.

**006.01D** All allegations shall be deemed to be denied, but the licensee may plead thereto if he or she desires.

#### **007 HEARING ON APPLICATIONS FOR BARBER SCHOOLS, SHOPS AND INDIVIDUALS**

**007.01** No petition under Chapter 10, 004 and 005 hereof need to be filed in the case of a hearing on an application for a barber school, shop or individual. The application shall constitute the petition in those cases.

**007.02** The Board may request the Attorney General to take such part in these proceedings as the Board

deems necessary.

## **008 HEARING PROCEDURE**

**008.01** The proceeding will be summary in nature. The admission of evidence, the right to cross examine and the notice of facts will be governed by the provisions of Section 84-914 RRS 1959 or amendments thereof.

**008.02** The Board shall have the power to administer oaths, issue subpoenas, compel the attendance of witnesses and the production of books, papers, accounts, documents and testimony, and cause depositions to be taken in the same manner and to the same extent as the district courts of this State.

**008.03** Both parties shall be entitled to the use of subpoenas and depositions.

## **009 ORDER OF THE BOARD**

**009.01** After a hearing, the Board shall prepare an order which contains its findings of fact and conclusions of law, and the ruling made by the Board.

**009.02** If the Board orders a suspension of a license, it shall be for a definite period of time, fixed in the order.

**009.03** Any person aggrieved by a decision of the Board can appeal to the District Court of Lancaster County, as provided in Section 71-235.

## **010 DEFAULT OF APPEARANCE OF LICENSEE**

**010.01** In case the licensee fails to appear either in person or by counsel, at the time and place designated in such notice, the Board, after receiving satisfactory evidence of truth of the charges, shall order the license revoked or suspended.

## **011 PAYMENT OF RENEWAL FEES FOR SUSPENSION OR REVOKED LICENSES**

**011.01** No license suspended by order of the Board shall be reinstated unless all current renewal premiums from the time of reinstatement have been paid and other licensing requirements met.

**011.02** Any suspended license shall be automatically reinstated at the end of the term of suspension if all renewal fees have been paid and other licensing requirements are met.

## **012 PROMULGATION, AMENDMENT OR REPEAL OF RULES: DECLARATORY RULINGS**

**012.01** Any interested person may petition the Board requesting the promulgation, amendment or repeal of any rule of the Board.

**012.02** Any interested person may petition the Board to issue a declaratory ruling with respect to the applicability to any person or state of facts or any rule or statute enforceable by the Board.

**012.03** Submission of petitions shall be made to the Board in duplicate. The Board shall offer consideration of any petition submitted as set forth hereinabove, within a reasonable amount of time, at a public hearing before the Board. After consideration of any petition received by the Board, as set forth hereinabove, the Board shall dispose of the same by proper order of the Board.

# **NEBRASKA ADMINISTRATIVE CODE**

**ISSUE DATE: MARCH 29, 1994**

**TITLE 51 - BOARD OF BARBER EXAMINERS**

**CHAPTER 11 - DUPLICATE LICENSES AND CERTIFICATION**

**001 BOARD TO ISSUE DUPLICATE LICENSES:** The Board shall make available duplicates of licenses which are lost or mutilated or for any just cause, for a fee to be set by the Board.

**002 BOARD TO CERTIFY RECORDS:** The Board shall make available the certification of records for a

fee to be set by the Board.

## **NEBRASKA ADMINISTRATIVE CODE**

**ISSUE DATE: June 26, 2007**

### **TITLE 51 - BOARD OF BARBER EXAMINERS**

#### **CHAPTER 12 - MINIMUM CURRICULUM AND REQUIREMENTS FOR APPROVED SCHOOLS OF BARBERING**

##### **001 MINIMUM HOURS FOR DIPLOMA, DURATION OF COURSE, GRADUATION FROM OTHER SCHOOLS, HOURS IN WORKING DAY, NUMBER OF INSTRUCTORS**

**001.01** Each Nebraska school of barbering approved by the Board shall conduct a course of study of at least twenty-one hundred (2100) hours, to be equally divided over a one (1) year period.

**001.02** No school of barbering shall require, as a prerequisite for admission, attendance at or graduation from any other school or institution, except that all examination applicants eligible for licensure are required to be high school graduates, or its equivalent prior to license issuance.

**001.03** Period of daily classes shall be at the discretion of the faculty of the school.

**001.04** No student shall exceed ten (10) hours in any one (1) working day.

**001.05** Said course shall be under the tutelage of a registered barber instructor and assistant instructor.

**001.06** Each barber school shall be permitted, on a working ratio of two assistant instructors for every registered barber instructor.

**001.07** There shall be one (1) registered instructor or assistant instructor for each fifteen (15) students, or fraction thereof, enrolled in school.

##### **002 ORIENTATION PERIOD, BARBER COURSE 300 HOURS - THEORY AND SUPERVISED PRACTICES ON STUDENTS AND MANNEQUINS shall include, but not be restricted exclusively to:**

**002.01** Laws and rules and regulations for barbering.

**002.02** History of barbering.

**002.03** Barber equipment and product knowledge, its uses and safety precautions.

**002.04** Sanitation, sterilization, hygiene and first aid.

**002.05** Haircutting, long and tapered styles, haircutting techniques and braiding.

**002.06** Shaving, honing and stropping.

**002.07** Scalp care, treatments and shampooing.

**002.08** Facials, massages and packs.

**002.09** Coloring, bleaching and rinsing.

**002.10** Chemical waving and relaxing.

**002.11** Natural and artificial nail care.

**002.12** Waxing.

**002.13** Cosmetologists licensed, or eligible for licensure, in the State of Nebraska, attending a school of barbering, shall be required no fewer than eighty (80) hours in the orientation period. The contents of these eighty (80) hours shall be at the discretion of the instructor, based upon the knowledge and experience of the student.

**002.14** No student shall be permitted to render practical services on members of the public until such student has completed the orientation period, except that the Board may establish guidelines by which it may approve such practical services as part of the orientation period.

**003 MINIMUM NUMBER OF REQUIRED SERVICES:** Following are the services and the number of each that are to be performed by each student during his or her tenure in school. These services are to be performed in the clinic area. Services performed during the student's orientation period are not to be counted. These are the minimum number of services to be performed on members of the public, spread out over the entire course, not

condensed into a small period of time:

|   | BARBER | BARBER/COS |
|---|--------|------------|
| <b>003.01</b> Haircut, taper                            | 75     | 75         |
| <b>003.02</b> Haircut, long style                       | 75     | 50         |
| <b>003.03</b> Shampoo                                   | 75     | 50         |
| <b>003.04</b> Shave                                     | 10     | 10         |
| <b>003.05</b> Beard trim                                | 10     | 10         |
| <b>003.06</b> Facial                                    | 24     | 12         |
| <b>003.07</b> Chemical waving                           | 24     | 12         |
| <b>003.08</b> Perm rod rolling and braiding (mannequin) | 90/10  | 45/5       |
| <b>003.09</b> Hair coloring                             | 20     | 10         |
| <b>003.10</b> Bleaching or highlighting                 | 6      | 3          |

**004 THEORY - DEMONSTRATIONS AND LECTURES** shall include the following, but not be restricted exclusively to:

- 004.01** Laws, rules and regulations for barbering.
- 004.02** Barber equipment and product knowledge, its uses and safety precautions.
- 004.03** Barber shop management, ethics and economics.
- 004.04** Sanitation, sterilization, personal hygiene and first aid.
- 004.05** Bacteriology.
- 004.06** Applied electricity.
- 004.07** Hairpieces.

**005 INSTRUCTORS AND ASSISTANT INSTRUCTORS:** All Barber Instructors and Assistant Instructors must meet all the requirements set forth in Section 71-208.02 RRS Neb. 2003.

**005.01** A person shall be eligible for registration as a barber instructor if he or she has earned at least eighteen hours of college credit at or above the post-secondary level, including at least three (3) credits each in:

**005.01A** Methods of Teaching, 3 hours - Principles of teaching vocational subjects is designed to acquaint the teacher with various activities involved in the teaching of vocational education. Further, it will help the prospective teacher develop and perfect the methods, procedures and techniques which have been found to be most effective in successful teaching.

**005.01B** Curriculum Development, 3 hours - This is a professional vocational education course. It is designed to provide the opportunity to develop techniques and procedures in writing, selection and organization of subject matter for instructional purposes. The course has been organized into five major units of instruction as listed: (1) course planning and the lesson plan format (2) writing and classifying objectives (3) developing lesson plans (4) student evaluation and (5) texts and the instructional systems.

**005.01C** Special Vocational Needs, 3 hours - This course is designed to introduce the prospective vocational teacher to learners with special needs. Emphasis will be placed on (A) recognizing vocational special needs students as individuals with legitimate rights to respect and dignity (B) nurturing an appreciation for individual differences (C) changing negative attitudes, prejudice and bias toward vocational learners with special needs.

**005.01D** Educational Psychology, 3 hours - Explore psychological concepts as they relate to the developmental studies area. Topics covered include: the learning process, clarifying values and attitudes, problem solving, decision making, coping with stress and setting goals.

**005.01E** Speech Communication, 3 hours - Basic principals of effective communications, theory and practical, with emphasis on developing the preparation and delivery of effective oral communication skills.

**005.01F** Introduction to Business, 3 hours - Basic factors of organization, operations, business control and procedures effecting each. Broad look at interrelated roles of operating a small business.

**005.02** A person shall be eligible for registration as a assistant barber instructor if he or she has completed application and paid the fee prescribed by section 71-219, has been a licensed and actively practicing barber for one year, and is currently enrolled or will enroll at the first regular college enrollment date after registration in an educational program leading to the completion of the hours required under subsection (2) (a) of 71-208.02. Applicants for registration as an assistant barber instructor must provide the Board with evidence of enrollment or acceptance into the educational program for at least one course resulting in credit for one of the requirements of 71-208.02 (2) (a).

**005.03** Courses required in Section 71-208.02 (2) (a) must be accredited by the Career College Institute, Higher Learning Commission of the North Central Association of Colleges and Schools or by a substantially equivalent accrediting agency as determined by the Board. The Board or an individual approved by the Board must proctor all final course examinations.

**005.04** Each barber school shall be permitted, on a working ratio, two assistant instructors for every barber instructor who shall qualify for registration as set forth in Subsection 1 of Section 71-208.02 RRS Neb. 2003.

**005.05** Instructors and Assistant Instructors shall devote their entire time during school hours to instructing and supervising all student work and shall not apply their time to private or public practice of barbering for any reason.

## **006 CLASS ROOMS**

**006.01** An approved school of barbering shall have two (2) rooms accessible.

**006.02** One (1) to be used for class study, examinations and lectures.

**006.03** One (1) to be used for practical demonstrations.

**006.04** Rooms shall be fully equipped to comply in every way, and at all times, with the rules and regulations of the Board.

**006.05** Class rooms shall meet inspection requirements set forth in sections of these rules.

**006.06** Study and lecture room shall be used for the sole purpose of giving scientific instruction.

**006.06A** Blackboard and charts of skin, scalp, hair, nails and their disorders.

**006.07** Schedules of classes shall be filed with the Board office.

## **007 SCHOOL EQUIPMENT shall consist of a minimum as follows:**

**007.01** One (1) barber chair for each two students enrolled.

**007.02** One (1) shampoo bowl for every-five stations.

**007.03** One (1) station for each two students enrolled.

**007.04** One (1) immersion sterilizer for each student.

**007.05** One (1) text book for each student and instructor.

**007.06** Electrical equipment.

**007.06A** Vibrator.

**007.07** Sufficient clean linen storage in enclosed cabinet/containers.

**007.08** Blackboard.

**007.09** Bulletin board, conspicuously located for posting rules and regulations, notices and other information.

**007.10** One (1) set of record files for student history, activities and duplicate copies of reports filed.

**007.11** Sanitary hair removal equipment, either vacuum, compressed air or individual wipes.

**007.12** Automatic lather mixer or canned lather.

**007.13** Supply of standard tonics, lotions, shampoos and other cosmetics.

**007.14** One (1) time clock.

**007.15** One (1) mannequin for each student.

**007.16** One (1) first aid kit.

**007.17** Hooded hair dryers.

**007.18** Library facilities which shall contain at least the following materials:

**007.18A** State of Nebraska Laws Relating to the Practice of Barbering.

**007.18B** Board of Barber Examiners Rules and Regulations.

**007.18C** Standard Dictionary of the English Language.

**007.18D** Standard Medical Dictionary.

**007.18E** Approved textbooks of barbering and hairstyling, hair structure, chemistry and physics.

## **008 BARBER CHAIR**

**008.01** Each barber chair must be in good condition, mechanically sound and with acceptable covering of a material capable of being sanitized and free of tears.

**008.02** Barber chairs shall be placed at least four and one-half (4 1/2) feet apart, center to center, and each chair must occupy not less than thirty-five (35) square feet of floor space.

## **009 RECORDS**

**009.01** Enrollment: Each school shall forward to the Board, a record of student enrollment upon the date of admittance of the student.

**009.02** Transfer of student credit hours from one school to another is at the discretion of the official school administrator, specific requirements having been met, as set forth herein.

**009.03** Student has certificate of enrollment with his state barber administration or board.

**009.04** No more than two (2) years shall lapse from the date of initial enrollment in school from which transfer is requested, and the taking of the registered examination.

**009.05** All student requirements set forth in the statutes of this state have been met.

**009.06** Each school shall keep daily class records of each student, showing information as follows:

**009.06A** Hours devoted to respective subjects.

**009.06B** Hours in attendance.

**009.06C** Records shall be subject to inspection by the examiners or representatives at any time during business hours.

**009.07** An owner of a school shall furnish the Board, at the end of each month, the names of students enrolled, enrollment status and accredited hours earned.

**009.08** The time and clinical operations of each student in each phase of demonstration, lectures and practical supervision shall be filed with the Board office at the end of each quarter.

**010 FINAL RECORD:** The school owner, instructor, manager or other qualified individuals designated by the school owner shall compile from his or her records:

**010.01** A summary of each student's grades.

**010.02** Hour and clinical service reports, shall be presented to the student upon graduation, and such reports shall be made a part of his or her application for examination. Any individual identified in 010 of this section must sign each report required and certify the record is correct and that the student has received a diploma from the school.

## **011 PROPER QUARTERS:**

**011.01** Shampoo bowls located in common areas shall have access without obstruction.

**011.02** Toilet facilities shall be located on the school premises and kept clean, sanitary and in working order at all times.

**011.03** Barber school/school of cosmetology that occupy the same location, the barber practical work area shall be visually distinct from the other and shall be clearly identified as such to the public by a sign.

**ISSUE DATE: June 26, 2007**

## **CHAPTER 13- SANITARY AND SAFETY RULES REGULATING BARBER SHOPS AND SCHOOLS**

**71-223.01 Barber shops and barber schools; sanitary requirements; inspections;** The Board shall by rules and regulations duly adopted, prescribe sanitary requirements for barber shops and barber schools. The Board or its employees shall regularly inspect all barber shops and barber schools in this state to insure



compliance with such regulations. Such sanitary requirements and inspections shall include all activities, in addition to barbering as defined in section 71-202, taking place on the licensed premises. A written report of each such inspection made shall be submitted to the barber board. Each school or barber shop shall be called upon at least once each year for the purpose of inspection prior to the issuance of its license to be eligible for annual renewal of certification or registration. **Source:** Laws 1963, c. 409, §. 29, p. 1328; Laws 1971, LB 1020, §. 28; Laws 1978, LB 722, §. 18; Laws 1996, LB 1044, §. 483; Laws 1997, LB 622, §. 95; Laws 1999, LB 121, §. 2.

**RULE 1. RULES POSTED.** The owner or manager of every barber shop or school shall keep a copy of these sanitary rules posted in a conspicuous place in the business for the information and guidance of all persons employed and studying therein, and the public generally.

**RULE 2. WATER/WASTE.** Each barber shop or school must supply adequate hot and cold running water. Connections must be made in cities or villages' where running water is available. Waste water shall be disposed of through a system that carries it away from the building. This shall be done by sewer connections or in a manner meeting the requirements of city ordinances and the approval of the city or village Board of Health, as required by law.

**RULE 3. SIGNS.** A barber school shall display a sign indicating that it is a barber school. The sign shall be clearly visible at the main entrance. A sign shall also be displayed in the clinical area indicating that all services are performed by students.

**RULE 4. PROPER QUARTERS.** Every barber shop or school shall be a fixed, permanent structure, or a part of one, shall have adequate lighting and ventilation, plumbing fixtures properly installed, electrical connections and equipment properly installed and grounded, shall have hand washing facilities, and provide soap, dispenser type, and individual towels of cloth or paper, or other hand drying devices, provided in the clinical area. All fixtures and equipment shall be kept in a clean, orderly and sanitary condition as required by rules and regulations of the Board of Barber Examiners.

**RULE 5. STYPTIC.** Any material used to stop the flow of blood shall be used in liquid or powder form. The use of styptic pencils is strictly prohibited.

**RULE 6. HEADREST.** The headrest of every barber chair shall be protected with sanitary paper or linen. Such sanitary paper or linen must be changed after its use on each client.

**RULE 7. PERSONAL CLEANLINESS AND FREEDOM FROM DISEASE.** Every barber and student, while engaged in serving the public, shall be neat and clean in person and in dress and free from any communicable disease. He or she shall wash his or her hands with soap and water or any equally effective cleansing agent immediately before serving each client.

**RULE 8. IMPLEMENTS.** All barber shops and schools of barbering shall be equipped with, and utilize wet sanitizers. All tools and implements which come in contact with a client's hair or skin must be sanitized before use on each client. With the exception of hair clippers, the sanitizing process shall consist of three steps, the elimination of any one of which shall be considered to render the sanitizing process ineffective. The three steps are: (1) Thorough washing in hot water and soap or synthetic detergent to remove all traces of soil. (2) Thorough rinsing in clear water to remove all traces of soap or detergent and (3) Complete immersion of combs and brushes and the blades of shears and razors in a fresh, clean and effective germicidal solution prepared and used in accordance with the directions on the label, after which the implement may be removed, dried and stored in a clean, covered dust proof container or cabinet. This includes the group of sanitizing agents known as "Quaternary ammonium compounds" (QUATS), 1000 parts per million (ppm). Ultra-violet ray treatment procedures are NOT acceptable in lieu of the three step sanitizing procedure mentioned in this section. The use of formaldehyde in any form is strictly prohibited in the sanitizing process. Electrical or mechanical hair clipper blades shall be cleaned and sanitized after use on each client. An oily

solution of an effective germicide prepared specifically for the germicidal treatment of tools and implements may be used in accordance with the directions of the manufacturer. All germicidal solutions shall be fresh, clean and free from contaminants.

A sanitizing solution shall be available for immediate use at all times the shop or school is in operation. It shall be kept in a container large enough for complete immersion in the solution of objects, or portions thereof, to be sanitized. Each shop or school shall provide one or more sanitizers adequate for the number of barbers or students usage requirements and volume of business.

Sanitized tools and implements shall be stored separately from all others. Storage drawers for sanitized tools and implements shall be clean, free of hair and used only for the sanitized tools and implements. Storage cabinets, work stations and vanities shall be kept clean.

All soiled tools and implements shall be deposited in a separate receptacle. All nail care and waxing implements that come into direct contact with a client and are not capable of being sanitized in accordance with this rule shall be disposed of in a waste receptacle immediately after use.

Tools and implements shall not be carried in clothing pockets, nor shall they be left on cabinet tops after usage on clients. Bristle type neck dusters are not capable of being sanitized. Their use is strictly prohibited.

**RULE 9. FOOD.** A barber shop in a place where food is prepared and served must be separated by a partition, ceiling height, of lath and plaster, glass or other solid material. If a door is cut through, it shall be hung with spring hinges or other self closing appliances. If confectionery is sold in the barber shop, it must be in sealed packages.

**RULE 10. DISEASE.** No client suffering from a known communicable disease may be served in a barber shop or school.

**RULE 11. TOWELS.** All sanitary linen must be kept in an enclosed, dust proof cabinet. Any towel that has been used once shall be considered soiled and disposed of into a receptacle. A sanitary towel, neck strip or other protection shall be used to prevent the hair/shampoo cloth from coming into contact with the skin of each client.

**RULE 12. TOILET FACILITIES.** All barber shops and schools shall have acceptable toilet facilities as required by the Rules and Regulations of the Board of Barber Examiners. Toilet facilities shall have hand washing facilities and provide soap, dispenser type, and individual towels of cloth, paper or other hand drying devices.

**RULE 13. PETS.** No pets or animals shall be permitted in the shop or school premise. This prohibition does not apply to trained animals accompanying sightless or hearing impaired persons or to fish in a covered aquarium.

**RULE 14. SMOKING, INTOXICATING BEVERAGES, CONTROLLED SUBSTANCES PROHIBITED.** Licensees and students of barbering are prohibited from smoking while actively engaged in serving the public. No owner/lessee shall knowingly permit employees/lessors, students or clients to use, consume, serve or in any manner possess or distribute intoxicating beverages or controlled substances, unless prescribed by a physician, upon its premises during the hours the shop or school is open to the public.

**RULE 15. COMPLIANCE.** It shall be the personal responsibility of every licensee who is licensed under the laws of Nebraska relating to the practice of barbering, to observe these laws, the rules and regulations of the Board of Barber Examiners, Department of Environmental Quality concerning water supply and waste water disposal and Health and Human Services with the local board of health having jurisdiction.

**The foregoing sanitary rules regulating barber shops and schools have been promulgated by the Board of Barber Examiners. They were adopted after due notice and hearing as provided by law, and are filed with the Secretary of State. These rules supersede all previous rules of the Board on this subject. The effective date of these rules is July 1, 2007.**

**November 21, 2006/revised 2/27/07**